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RICHARD W. WELSH  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

E. K. Wade

Plaintiff,

vs.

Elaine Chao, Secretary  
U.S. Department of Labor

Defendant.

Case No. C 08-0001 JSW

MOTION FOR APPOINTMENT OF  
COUNSEL

Date: September 5, 2008

Time: 9:00 A.M.

Place: Courtroom 2, 17<sup>th</sup> Floor

Before: Honorable Jeffrey S. White

**TO DEFENDANT U.S. ATTORNEYS AND ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT on September 5, 2008, in Courtroom 2 of the above-entitled Court at 9:00 A.M., the Plaintiff, in the above entitled matter hereby moves the Court for an order appointing legal counsel to act on his behalf based upon:

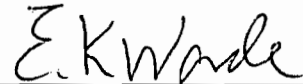
1) the nature and complexity of this action; 2) the potential merit of the Plaintiff's claims; and 3) the degree to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of the appointed counsel. Welch v. Kelly, 882 F. Supp. 177 (D.D.C. 1995)

"A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of plaintiff to articulate his claim pro se

1 in the light of the complexity of the legal issues involved. Neither of these issues is  
2 dispositive and both must be viewed together before reaching a decision." Wilborn  
3 v. Escalderon, 789 F.2d 1328 (9<sup>th</sup> Cir. 1986)

4 "Pro se Plaintiffs asserting Civil Rights Act claims are at a serious disadvantage  
5 in the unfamiliar world of Civil Litigation, even when their claims have substantial merit."  
6 *Federal Bar Association of Western District of Washington*, Vol. 27, No.2, p. 9 (2004)

7  
8 Dated this 30<sup>th</sup> day of July 2008

9 

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